

Rejection of Claim 19 Under 35 U.S.C. § 112, Second Paragraph

Claim 19 has been rejected under 35 U.S.C. § 112, second paragraph, as it is said to be indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 has been amended to describe hCOMP as being made by the method of Claim 8, incorporating the description of this method into Claim 19. Claim 19 is no longer dependent on Claim 8.

Rejection of Claims 37-42 Under 35 U.S.C. § 112, Second Paragraph

Claims 37-42 have been rejected under 35 U.S.C. § 112, second paragraph, as they are said to be indefinite in the use of the term in Claim 37 “type I collagen gel and type II collagen gel and purified cartilage oligomeric matrix protein.”

Claim 37 has been amended to clarify the meaning of the claim.

Rejection of Claims 1, 2, 4, 5 and 7 Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 2, 4, 5, and 7 have been rejected under 35 U.S.C. § 103(a), as they are said to be unpatentable over Hecht *et al.* (*Matrix Biology* (1998) 17: 269-278) taken with Lawler *et al.* (*J. Biol. Chem.* (1983) 258: 12098-12101) and DiCesare *et al.* (*Eur. J. Biochem.* 223: 927-937 (1994)).

Claims 1-7 have been canceled.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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MARKED UP VERSION OF AMENDMENTSClaim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

19. (Twice Amended) An ELISA kit comprising the human cartilage oligomeric matrix protein produced by the method: [of claim 8.]

- a) obtaining DNA encoding full length hCOMP;
- b) introducing the DNA into cells, thereby producing cells expressing hCOMP;
- c) culturing the cells in a culture medium under conditions suitable for expressing the hCOMP, thereby producing expressed hCOMP; and
- d) purifying the hCOMP in the presence of calcium.

37. (Twice Amended) A composition comprising purified cartilage oligomeric matrix protein and a biological matrix, wherein the matrix comprises at least one material selected from the group consisting of: treated cartilage and bone matrices, collagens, hyaluronan, fibrin gels, carbon fibers, porous polylactic acid, type I collagen gel, and type II collagen gel [and purified cartilage oligomeric matrix protein].